THE HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION NO. 19415 OF 2007

DATED: 04-10-2007

Between:

K.Maheswar, S/o.Laxmikantham

… Petitioner

And

The Sub Registrar, Stamps and Registration,
Champapet, R.R.District and another

… Respondents

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ORDER:

In this writ petition, the petitioner seeks a direction by way of Mandamus to declare the action of the first respondent in not registering the sale certificate, which was forwarded by the Recovery Officer of the Debt Recovery Tribunal for the purpose of registration as illegal and arbitrary.

The Debt Recovery Tribunal conducted auction of certain properties in R.P.No.134 of 2006 in O.A.No.369 of 1999. The public auction was held on 24-05-2007 and the petitioner has purchased some properties for which a sale certificate dated 07-08-2007 was issued in his favour. It is the grievance of the petitioner that as much as the sale certificate is a certificate issued by the Court as per the provisions of the Stamp Act, the stamp duty payable is only at 5% and registration fee is 0.5% on the purchased money. But, however, the respondents are insisting for payment of full stamp duty and registration basing on the basic value register as provided in the Stamp Act and Registration Act.

A counter affidavit is filed on behalf of the respondents admitting that the stamp duty chargeable in respect of certificate of sale granted to the purchaser of any property sold by public auction by the Court of law is under Article 16(c) of Schedule I (A) and the stamp duty is at 5%. It is also stated that had the certificate formerly been presented for registration, respondents would have sought clarification with regard to chargeability of stamp duty and acted accordingly. In the same counter affidavit, it is also stated that when a clarification was sought, the Commissioner and Inspector General of Registration and Stamps has clarified through his letter issued in proceedings dated 03-09-2007 addressed to the Recovery Officer, Debt Recovery Tribunal to the effect that the certificate of sale granted to the purchaser by the Debt Recovery Tribunal is chargeable with stamp duty at 5% on the purchase money under Art.16 (c) of Schedule I-A and levy of the registration fee is at 0.5%.

In view of the very clarification given by the Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad vide his proceedings in letter No.S1/10875/2005, dated 03-09-2007, whenever such sale certificate is presented for registration by the petitioner, the same shall be considered with regard to chargeability of stamp duty and registration as per the clarification issued by the Commissioner and Inspector General of Registration and Stamps by letter dt.03-09-2007 and act accordingly.

Subject to the above direction, writ petition is disposed of. No order as to costs.

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R. SUBHASH REDDY, J.

Dt: 04-10-2007
Rns

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RNS